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COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT  
Civil Division  
400 NORTH 9TH STREET  
RICHMOND VA 23219

Virginia:  
In the RICHMOND CITY CIRCUIT COURT

Proof of Service

Case number: 760CL21004284-00  
Service number: 001  
Service filed: October 05, 2021  
Judge:

Served by: OUT OF STATE  
Style of case: MICHEAL DONOVAN vs DUANE CHAPMAN  
Service on: DUANE CHAPMAN  
PERSONAL SERVICE

Attorney: MATHENY WILLARD, AMINA  
757-777-3441

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, October 05, 2021 with a copy of the Complaint filed Tuesday, October 05, 2021 attached.

Hearing date :

Service issued: Tuesday, October 05, 2021

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For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT  
Civil Division  
400 NORTH 9TH STREET  
RICHMOND VA 23219

Summons

To: DUANE CHAPMAN  
PERSONAL SERVICE

Case No. 760CL21004284-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, October 05, 2021

Clerk of Court: EDWARD F JEWETT

by

A handwritten signature in black ink, appearing to read "E. Jewett", written over a horizontal line. Below the line, the text "(CLERK/DEPUTY CLERK)" is printed in parentheses.

Instructions:

Hearing Official:

Attorney's name: MATHENY WILLARD, AMINA  
757-777-3441

**COVER SHEET FOR FILING CIVIL ACTIONS**  
COMMONWEALTH OF VIRGINIACase No. \_\_\_\_\_  
(CLERK'S OFFICE USE ONLY)

City of Richmond

Circuit Court

Michael Donovan  
PLAINTIFF(S)

v./In re:

Duane Chapman  
DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☐ attorney for ☐ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

**GENERAL CIVIL****Subsequent Actions**

- ☒ Claim Impleading Third Party Defendant  
☒ Monetary Damages  
☐ No Monetary Damages  
☐ Counterclaim  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Cross Claim  
☐ Interpleader  
☐ Reinstatement (other than divorce or driving privileges)  
☐ Removal of Case to Federal Court

**Business & Contract**

- ☐ Attachment  
☐ Confessed Judgment  
☐ Contract Action  
☐ Contract Specific Performance  
☐ Detinue  
☐ Garnishment

**Property**

- ☐ Annexation  
☐ Condemnation  
☐ Ejectment  
☐ Encumber/Sell Real Estate  
☐ Enforce Vendor's Lien  
☐ Escheatment  
☐ Establish Boundaries  
☐ Landlord/Tenant  
☐ Unlawful Detainer  
☐ Mechanics Lien  
☐ Partition  
☐ Quiet Title  
☐ Termination of Mineral Rights

**Tort**

- ☐ Asbestos Litigation  
☐ Compromise Settlement  
☐ Intentional Tort  
☐ Medical Malpractice  
☐ Motor Vehicle Tort  
☐ Product Liability  
☐ Wrongful Death  
☐ Other General Tort Liability

**ADMINISTRATIVE LAW**

- ☐ Appeal/Judicial Review of Decision of (select one)  
☐ ABC Board  
☐ Board of Zoning  
☐ Compensation Board  
☐ DMV License Suspension  
☐ Employee Grievance Decision  
☐ Employment Commission  
☐ Local Government  
☐ Marine Resources Commission  
☐ School Board  
☐ Voter Registration  
☐ Other Administrative Appeal

**DOMESTIC/FAMILY**

- ☐ Adoption  
☐ Adoption - Foreign  
☐ Adult Protection  
☐ Annulment  
☐ Annulment - Counterclaim/Responsive Pleading  
☐ Child Abuse and Neglect - Unfounded Complaint  
☐ Civil Contempt  
☐ Divorce (select one)  
☐ Complaint - Contested\*  
☐ Complaint - Uncontested\*  
☐ Counterclaim/Responsive Pleading  
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution  
☐ Separate Maintenance  
☐ Separate Maintenance Counterclaim

**WRITS**

- ☐ Certiorari  
☐ Habeas Corpus  
☐ Mandamus  
☐ Prohibition  
☐ Quo Warranto

**PROBATE/WILLS AND TRUSTS**

- ☐ Accounting  
☐ Aid and Guidance  
☐ Appointment (select one)  
☐ Guardian/Conservator  
☐ Standby Guardian/Conservator  
☐ Custodian/Successor Custodian (UTMA)  
☐ Trust (select one)  
☐ Impress/Declare/Create  
☐ Reformation  
☐ Will (select one)  
☐ Construe  
☐ Contested

**MISCELLANEOUS**

- ☐ Amend Death Certificate  
☐ Appointment (select one)  
☐ Church Trustee  
☐ Conservator of Peace  
☐ Marriage Celebrant  
☐ Approval of Transfer of Structured Settlement  
☐ Bond Forfeiture Appeal  
☐ Declaratory Judgment  
☐ Declare Death  
☐ Driving Privileges (select one)  
☐ Reinstatement pursuant to § 46.2-427  
☐ Restoration - Habitual Offender or 3<sup>rd</sup> Offense  
☐ Expungement  
☐ Firearms Rights - Restoration  
☐ Forfeiture of Property or Money  
☐ Freedom of Information  
☒ Injunction  
☐ Interdiction  
☐ Interrogatory  
☐ Judgment Lien-Bill to Enforce  
☐ Law Enforcement/Public Official Petition  
☐ Name Change  
☐ Referendum Elections  
☐ Sever Order  
☐ Taxes (select one)  
☐ Correct Erroneous State/Local  
☐ Delinquent  
☐ Vehicle Confiscation  
☐ Voting Rights - Restoration  
☐ Other (please specify)

☐ Damages in the amount of \$ 1,300,000.00 are claimed.

10/5/2021

DATE

Amina Matheny-Willard

PRINT NAME

999 Waterside Drive, Suite 2525, Norfolk, Virginia 23510

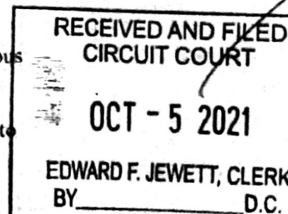
ADDRESS/TELEPHONE NUMBER OF SIGNATOR

amina@aminalaw.com

757-777-3441

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16



\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.



**Civil Action Type Codes  
(Clerk's Office Use Only)**

Accounting .....	ACCT	Encumber/Sell Real Estate .....	RE
Adoption .....	ADOP	Enforce Vendor's Lien .....	VEND
Adoption - Foreign .....	FORA	Escheatment .....	ESC
Adult Protection .....	PROT	Establish Boundaries .....	ESTB
Aid and Guidance .....	AID	Expungement .....	XPUN
Amend Death Certificate .....	ADC	Forfeiture of Property or Money .....	FORF
Annexation .....	ANEX	Freedom of Information .....	FOI
Annulment .....	ANUL	Garnishment .....	GARN
Annulment - Counterclaim/Responsive Pleading .....	ACRP	Injunction .....	INJ
Appeal/Judicial Review .....		Intentional Tort .....	ITOR
ABC Board .....	ABC	Interdiction .....	INTD
Board of Zoning .....	ZONE	Interpleader .....	INTP
Compensation Board .....	ACOM	Interrogatory .....	INTR
DMV License Suspension .....	JR	Judgment Lien - Bill to Enforce .....	LIEN
Employment Commission .....	EMP	Landlord/Tenant .....	LT
Employment Grievance Decision .....	GRV	Law Enforcement/Public Official Petition .....	LEP
Local Government .....	GOVT	Mechanics Lien .....	MECH
Marine Resources .....	MAR	Medical Malpractice .....	MED
School Board .....	JR	Motor Vehicle Tort .....	MV
Voter Registration .....	AVOT	Name Change .....	NC
Other Administrative Appeal .....	AAPL	Other General Tort Liability .....	GTOR
Appointment .....		Partition .....	PART
Conservator of Peace .....	COP	Permit, Unconstitutional Grant/Denial by Locality .....	LUC
Church Trustee .....	AOCT	Petition - (Miscellaneous) .....	PET
Custodian/Successor Custodian (UTMA) .....	UTMA	Product Liability .....	PROD
Guardian/Conservator .....	APPT	Quiet Title .....	QT
Marriage Celebrant .....	ROMC	Referendum Elections .....	ELEC
Standby Guardian/Conservator .....	STND	Reinstatement (Other than divorce or driving privileges) .....	REIN
Approval of Transfer of Structured Settlement .....	SS	Removal of Case to Federal Court .....	REM
Asbestos Litigation .....	AL	Restore Firearms Rights - Felony .....	RFRF
Attachment .....	ATT	Restore Firearms Rights - Review .....	RFRR
Bond Forfeiture Appeal .....	BFA	Separate Maintenance .....	SEP
Child Abuse and Neglect - Unfounded Complaint .....	CAN	Separate Maintenance - Counterclaim/Responsive Pleading .....	SCR
Civil Contempt .....	CCON	Sever Order .....	SEVR
Claim Impleading Third Party Defendant - Monetary Damages/No Monetary Damages .....	CTP	Sex Change .....	COS
Complaint - (Miscellaneous) .....	COM	Taxes .....	
Compromise Settlement .....	COMP	Correct Erroneous State/Local .....	CTAX
Condemnation .....	COND	Delinquent .....	DTAX
Confessed Judgment .....	CJ	Termination of Mineral Rights .....	MIN
Contract Action .....	CNTR	Trust - Impress/Declare/Create .....	TRST
Contract Specific Performance .....	PERF	Trust - Reformation .....	REFT
Counterclaim - Monetary Damages/No Monetary Damages .....	CC	Uniform Foreign Country Money Judgments .....	RFCJ
Cross Claim .....	CROS	Unlawful Detainer .....	UD
Declaratory Judgment .....	DECL	Vehicle Confiscation .....	VEH
Declare Death .....	DDTH	Violation - Election Law .....	VEL
Detinue .....	DET	Voting Rights - Restoration .....	VOTE
Divorce .....		Will Construction .....	CNST
Complaint - Contested/Uncontested .....	DIV	Will Contested .....	WILL
Counterclaim/Responsive Pleading .....	DCRP	Writs .....	
Reinstatement - Custody/Visitation/Support/ Equitable Distribution .....	CVS	Certiorari .....	WC
Driving Privileges .....		Habeas Corpus .....	WHC
Reinstatement pursuant to § 46.2-427 .....	DRIV	Mandamus .....	WM
Restoration - 3 <sup>rd</sup> Offense .....	REST	Prohibition .....	WP
Ejectment .....	EJET	Quo Warranto .....	WQW
		Wrongful Death .....	WD



**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**

**MICHEAL DONOVAN;**

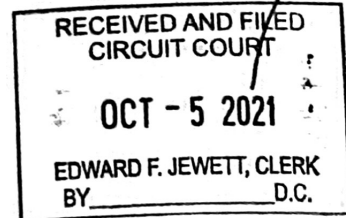
*Plaintiff,*

v.

**DUANE CHAPMAN**

*Defendant.*

Case No. \_\_\_\_\_



**VERIFIED COMPLAINT**

Plaintiff Micheal Donovan, for his Defamation Complaint against defendant Duane Chapman, alleges as follows:

**INTRODUCTION**

1. Defendant is a disgraced reality TV star who was fired by Plaintiff after his company discovered that the Defendant had used racial epithets to attack Black teenage Black Lives Matter activists.
2. Plaintiff's investigation into the allegations of racial epithets also uncovered illegal activity, to wit: Defendant Chapman illegally holstered and wore a taser device during filming in Virginia, which is illegal in the Commonwealth considering Chapman has been convicted of a violent crime.
3. Plaintiff's investigation of Defendant's felony record, in order to determine whether his use of the taser was illegal, discovered significant inaccuracies between Defendant's report of his crime and the facts as viewed in court records.
4. For instance, Plaintiff had no idea when he hired Defendant that the victim in his decades old murder conviction was Black, and that on the way to the victim's house Defendant and his friends bragged that they were "going to get them a nigger".

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

- 29 5. Plaintiff similarly had no idea of the level of involvement Defendant Chapman had in  
30 the murder, as Defendant reported to Plaintiff that he was simply in the wrong place at  
31 the wrong time. In fact, according to the court records, Defendant brought ammunition  
32 along with him on their trip to specifically rob a Black man.
- 33 6. Defendant has engaged in a course of conduct to lash out at Plaintiff for terminating  
34 his contract and this conduct has led to Defendant committing the tort of defamation,  
35 and Plaintiff being forced to file this complaint.

36 **JURISDICTION AND VENUE**

- 37 7. The Court's jurisdiction is based on § 17.1-513, *et seq.*, and § 8.01-328.1, *et seq.*, of  
38 the Code of Virginia.
- 39 8. Venue is proper pursuant to § 8.01-262(4) of the Code of Virginia.
- 40 9. Venue is further proper in this Court because the defamatory content in this case was  
41 specifically intended to damage Plaintiff in his reputation, and damage Plaintiff's  
42 relationships within the City of Richmond.

43 **PARTIES**

- 44 10. Plaintiff Micheal Donovan is the CEO of Unleashed Entertainment LLC, which  
45 operates Unleashed TV. Donovan is a resident of Virginia with a principal residence  
46 in Fishersville, Virginia.
- 47 11. Defendant is a resident of Colorado with a principal residence in Castle Rock,  
48 Colorado.

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*Micheal Donovan v. Duane Chapman*

**STATEMENT OF FACTS**

12. On April 7, 2021, Defendant Chapman posted on his official “@DogBountyHunter” Twitter account the following statement: “Unleashed representatives are trying to steal hi Jack Miss lead miss inform etc. all dog the bounty Hunter is also trademarked by us” (hereinafter, the “4/7 Statement”). A true and correct copy of the tweet in question can be found below:



**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**

*Micheal Donovan v. Duane Chapman*

- 70 13. Plaintiff, through their company Unleashed Entertainment LLC, invested a significant
- 71 amount of time and money producing a show that could never air because of
- 72 Defendants immoral and illegal conduct.
- 73 14. Plaintiff made reserved, but necessary, statements to their customers to explain why
- 74 Defendant's new show, "Dog Unleashed", was cancelled.
- 75 15. Defendant seeks to shirk all responsibility for his actions and defame Plaintiff in an
- 76 effort to cover up his despicable and racist behavior.
- 77 16. Defendant's 4/7 statement accuses Plaintiff and his associates of criminal activity,
- 78 which is false, constituting defamation *per se*.
- 79 17. The 4/7 Statement was published on April 7, 2021 at 6:09PM on Defendant's official
- 80 twitter account.
- 81 18. Defendant's defamatory content was available worldwide, but upon information and
- 82 belief Defendant specifically intended for his defamatory content to reach individuals
- 83 living and working in the City of Richmond, to damage Plaintiff's reputation and
- 84 relationships with individuals living and working in the City of Richmond.
- 85 19. Defendant knows his show was cancelled because of his racist behavior and illegal
- 86 activity. Defendant's actions in asserting wrongdoing by Plaintiff was an attempt to
- 87 deflect.
- 88 20. The 4/7 Statement is factually untrue because neither Plaintiff nor his employees were
- 89 "trying to steal hi Jack Miss inform etc.". Plaintiff was simply correcting a grave error
- 90 he made when he offered to produce a show for the Defendant, namely, cancelling the
- 91 show and cutting all losses. Defendant's arrogance and attempt to remain relevant
- 92 demonstrate actual malice.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
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93 21. On September 16, 2021, Defendant Chapman posted on his official  
94 “@DogBountyHunter” Twitter account the following statement: “they will see how  
95 you have lied about all of us you creep again what about the little boys daddy?”  
96 (hereinafter, the “First 9/16 Statement”). A true and correct copy of the tweet in  
97 question can be found below:

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*



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22. Defendant seeks to shirk all responsibility for his actions and defame Plaintiff in an effort to cover up his despicable and racist behavior.



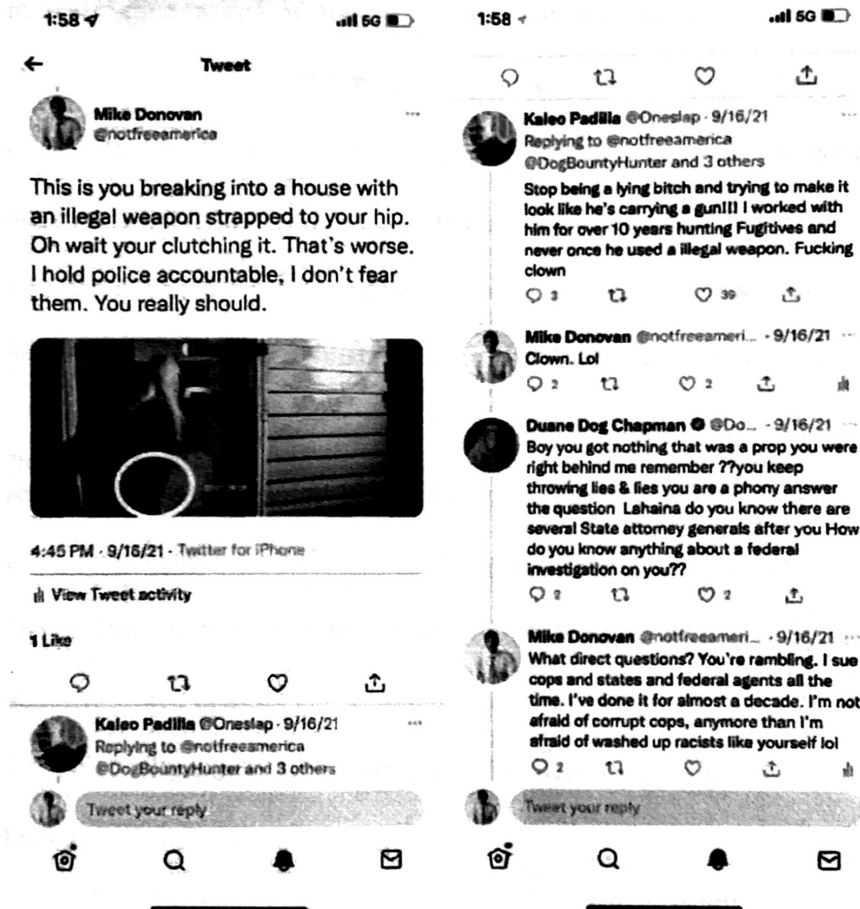
**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

- 101 23. The “lies” Defendant Chapman references are the actual facts surrounding the  
 102 cancellation of his reality tv show for cause. Thus, this statement is not a general  
 103 statement of opinion, rather a statement Defendant is employing as true to cover up his  
 104 immoral and criminal activity.
- 105 24. Defendant Chapman maintained a false narrative that his show had not been cancelled,  
 106 going so far as to continue advertising the cancelled show on his social media platforms  
 107 thru September 2021. The statement is designed to and has, in fact, damaged Plaintiff  
 108 in their industry and/or trade.
- 109 25. Defendant’s First 9/16 statement accuse Plaintiff and their associates of criminal  
 110 activity, which is false, constituting defamation *per se*.
- 111 26. The 9/16 Statement was published on September 16, 2021 at 7:18 PM on Defendant’s  
 112 official twitter account.
- 113 27. Defendant knows his show was cancelled because of his racist behavior and illegal  
 114 activity. His actions in asserting that Plaintiff lied about these facts were an attempt to  
 115 deflect blame from himself and designed to harm Plaintiff’ reputation.
- 116 28. The First 9/16 Statement is factually untrue because none of Plaintiff’ public statements  
 117 about the “Dog Unleashed” show cancellation were false in any way. By specifically  
 118 accusing Plaintiff of lying about the cancellation of his show, Defendant seeks to  
 119 defame Plaintiff, injuring them in their business and/or trade and injuring their  
 120 reputation.
- 121 29. To add ignorant insult to injury, Defendant resorts to tired homophobic tropes, calling  
 122 one of the openly gay Plaintiff “daddy” in a mocking manner and making a vile and  
 123 disgusting implication using the words “little boys” and “daddy” together.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND***Micheal Donovan v. Duane Chapman*

124 30. On September 16, 2021, Defendant Chapman posted on his official  
 125 “@DogBountyHunter” Twitter account the following statement: “Boy you got nothing  
 126 that was a prop you were right behind me remember ?? You keep throwing lies you are  
 127 a phony” (hereinafter, the “Second 9/16 Statement”). A true and correct copy of the  
 128 tweet in question can be found below:



129

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31. Plaintiff Donovan posted an image from the video assets of the now defunct “Dog  
 Unleashed” show which shows the Defendant using a taser weapon when entering the  
 home of a suspect. Defendant is a convicted felon, having been convicted of murder,



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*Micheal Donovan v. Duane Chapman*

133 and it is illegal for Defendant to carry a stun weapon in the Commonwealth of Virginia,  
 134 as it is a violation of Virginia Code § 18.2-308.2.

135 32. Defendant claims he was carrying a prop, which Plaintiff hopes is true. However,  
 136 Defendant was advised, before production, that he could not carry the taser he  
 137 produced. When Defendant showed a representative of Plaintiff the taser, the  
 138 representative asked if the taser was real and Defendant replied: "of course."  
 139 Defendant was advised that possessing the weapon in Virginia is a felony and the use  
 140 of it would put his show in jeopardy. The picture in the above tweet comes from film  
 141 *days after* Defendant admitted he had an illegal taser and Defendant was told that he  
 142 could not possess a taser (stun weapon) in Virginia. Defendant knowingly and  
 143 feloniously possessed a weapon in violation of Virginia Code § 18.2-308.2., and he  
 144 used such weapon to intimidate a person when forcing entry into their home. This event  
 145 led to the investigation regarding the taser, which, combined with the racial epithets,  
 146 led Plaintiff Donovan to cancel the "Dog Unleashed" production.

147 33. Defendant's Second 9/16 statement accuses Plaintiff and their associates of criminal  
 148 activity, which is false, constituting defamation *per se*.

149 34. The 9/16 Statement was published on September 16, 2021, after 4:45PM, on  
 150 Defendant's official twitter account.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Michael Donovan v. Duane Chapman*

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**COUNT I**  
**DEFAMATION *PER SE***  
**(As to the Defendant's 4/7 Statement)**

35. Plaintiff reallege all the foregoing allegations and incorporates them herein by reference.

36. The Statement is factually untrue.

37. The Statement does not deal with matters of public concern relating to a matter of political, social, or other concern to the community, nor is it the subject of legitimate news interest.

38. The Statement is defamatory because it has a defamatory meaning on its face.

39. The Statement is defamatory because it has a defamatory meaning by its implication.

40. The plain and natural meaning of the Statement is not a mere expression of opinion as reasonably understood by the average person because it can be, and is, provably false.

41. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole as would be reasonably understood by the average person.

42. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical hyperbole as would be reasonably understood by the average person.

43. A reasonable person would understand the Statement to convey a (false) representation of fact.

44. Defendant published the Statement in a manner that created a substantial danger to Plaintiffs' reputation.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Michael Donovan v. Duane Chapman*

- 175 45. Defendant published the Statement with actual malice, personal spite, and ill-will,  
 176 independent of the occasion on which the communication was made, and with the  
 177 specific intent to harm Plaintiff and their reputation.
- 178 46. Defendant knew the Statement was false at the time he published it, or he had a high  
 179 degree of awareness of the Statement's probable falsity at the time he published it.
- 180 47. Defendant published the Statement with a reckless disregard for its truth.
- 181 48. Plaintiff is not a public figure.
- 182 49. Plaintiff Donovan may be a limited purpose public figure because he has assumed a  
 183 role of public prominence related to matters involving civil rights and/or immigration;  
 184 however, none of those limited purpose areas apply to the facts in this Complaint.
- 185 50. Defendant's publication of the Statement was unreasonable.
- 186 51. Defendant acted negligently in failing to ascertain accurate facts upon which the  
 187 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
 188 of the Statement before publishing it.

189 **COUNT II**  
 190 **DEFAMATION PER SE**  
 191 **(As to the Defendant's First 9/16 Statement)**  
 192

- 193 52. Plaintiff realleges all the foregoing allegations and incorporates them herein by  
 194 reference.
- 195 53. The Statement is factually untrue.
- 196 54. The Statement does not deal with matters of public concern relating to a matter of  
 197 political, social, or other concern to the community, nor is it the subject of legitimate  
 198 news interest.
- 199 55. The Statement is defamatory because it has a defamatory meaning on its face.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

- 200 56. The Statement is defamatory because it has a defamatory meaning by its implication.
- 201 57. The plain and natural meaning of the Statement is not a mere expression of opinion as
- 202 reasonably understood by the average person because it can be, and is, provably false.
- 203 58. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole
- 204 as would be reasonably understood by the average person.
- 205 59. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical
- 206 hyperbole as would be reasonably understood by the average person.
- 207 60. A reasonable person would understand the Statement to convey a (false) representation
- 208 of fact.
- 209 61. Defendant published the Statement in a manner that created a substantial danger to
- 210 Plaintiffs' reputation.
- 211 62. Defendant published the Statement with actual malice, personal spite, and ill-will,
- 212 independent of the occasion on which the communication was made, and with the
- 213 specific intent to harm Plaintiff and their reputation.
- 214 63. Defendant knew the Statement was false at the time he published it, or he had a high
- 215 degree of awareness of the Statement's probable falsity at the time he published it.
- 216 64. Defendant published the Statement with a reckless disregard for its truth.
- 217 65. Plaintiff is not a public figure.
- 218 66. Plaintiff Donovan may be a limited purpose public figure because he has assumed roles
- 219 of public prominence related to matters involving civil rights or immigration; however,
- 220 none of those limited purpose areas apply to the facts in this Complaint.
- 221 67. Defendant's publication of the Statement was unreasonable.

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222 68. Defendant acted negligently in failing to ascertain accurate facts upon which the  
223 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
224 of the Statement before publishing it.

225 **COUNT III**  
226 **DEFAMATION PER SE**  
227 **(As to the Defendant's Second 9/16 Statement)**  
228

229 69. Plaintiff realleges all the foregoing allegations and incorporates them herein by  
230 reference.

231 70. The Statement is factually untrue.

232 71. The Statement does not deal with matters of public concern relating to a matter of  
233 political, social, or other concern to the community, nor is it the subject of legitimate  
234 news interest.

235 72. The Statement is defamatory because it has a defamatory meaning on its face.

236 73. The Statement is defamatory because it has a defamatory meaning by its implication.

237 74. The plain and natural meaning of the Statement is not a mere expression of opinion as  
238 reasonably understood by the average person because it can be, and is, provably false.

239 75. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole  
240 as would be reasonably understood by the average person.

241 76. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical  
242 hyperbole as would be reasonably understood by the average person.

243 77. A reasonable person would understand the Statement to convey a (false) representation  
244 of fact.

245 78. Defendant published the Statement in a manner that created a substantial danger to  
246 Plaintiffs' reputation.

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247 79. Defendant published the Statement with actual malice, personal spite, and ill-will,  
248 independent of the occasion on which the communication was made, and with the  
249 specific intent to harm Plaintiff and their reputation.

250 80. Defendant knew the Statement was false at the time he published it, or he had a high  
251 degree of awareness of the Statement's probable falsity at the time he published it.

252 81. Defendant published the Statement with a reckless disregard for its truth.

253 82. Plaintiff is not a public figure.

254 83. Plaintiff Donovan may be a limited purpose public figure because he has assumed a  
255 role of public prominence related to matters involving civil rights and/or immigration;  
256 however, none of those limited purpose areas apply to the facts in this Complaint.

257 84. Plaintiff has not thrust himself into a public controversy related to the Statement.

258 85. Defendant's publication of the Statement was unreasonable.

259 86. Defendant acted negligently in failing to ascertain accurate facts upon which the  
260 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
261 of the Statement before publishing it.

262 **WHEREFORE**, Plaintiff seek the following:

263 1. Actual and punitive damages in an amount to be proved at trial but not less than:

264 a. Count I: \$400,000;

265 b. Count II: \$500,000;

266 c. Count III: \$400,000;

For a Total of Not Less Than: \$1,300,000.00

268 2. Attorney fees and court costs; and

269 3. Such other and further relief as this court deems just and proper.

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270 Dated this 5<sup>th</sup> Day of October, 2021

271 **JURY TRIAL DEMANDED**

272

*Respectfully Submitted,*



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By: \_\_\_\_\_

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